



United States Courts
Southern District of Texas
FILED

NOV 23 2021

United States District Court, Southern District of Texas
District Court Judge
515 Rusk Ave
Houston, TX 77002
United States of America

Nathan Ochsner, Clerk of Court
Team Handel

bezoekadres
Paleis van Justitie
Prins Clauslaan 60
2595 AJ Den Haag

correspondentieadres
Postbus 20302
2500 EH Den Haag

f 088 - 36 10 665
www.rechtspraak.nl

Bij beantwoording de datum en
ons kenmerk vermelden. Wilt u
slechts één zaak in uw brief
behandelen.

datum 20 oktober 2021
onderdeel Team Handel - Algemene Zaken
contactpersoon W. Soethout
doorkiesnummer 088 - 36 12 221
ons kenmerk C/09/612820 / KG RK 21/631
US DISTRICT COURT,SOUTH.TEXAS/RECHTBANK
AMSTERDAM
uw kenmerk 4:21-CV-859
bijlage(n) copy official report 5th of October 2021
onderwerp rogatoire commissie

Dear Sir/Madam

For your information I send you a copy of the official report of 5th of October 2021, from the court Amsterdam.

For your information the procedure with the central authority is now closed.

Kind regards,



W. Soethout

proces-verbaal

AFSCHRIFT



RECHTBANK AMSTERDAM

Afdeling privaatrecht

zaaknummer / rekestnummer: C/13/703785 HA RK 21/212

Proces-verbaal van bevindingen van 5 oktober 2021

Inzake het verzoek van de The United States District Court Southern District of Texas Houston Division, Houston, Verenigde Staten van Amerika, van 1 april 2021 tot het opvragen van stukken van, te weten:

1. de vennootschap met beperkte aansprakelijkheid

NOVOGARA B.V.

gevestigd te Amsterdam

2. de vennootschap met beperkte aansprakelijkheid

DANET SERVICE B.V.,

gevestigd te Nieuw-Vennep,

3. de vennootschap met beperkte aansprakelijkheid

SERVERIUS HOLDING B.V.,

gevestigd te Dronten.

De rechter heeft kennisgenomen van de beschikking van de rechtbank 's-Gravenhage van 21 juni 2021 met zaaknummer C/09/612820 / KG RK 21.631, ingekomen ter griffie op 15 april 2021, en stelt vast dat de rechtbank na een door haar daarop gericht verzoek vervolgens heeft ontvangen:

- een e-mailbericht van Serverius Holding B.V., aangehecht aan dit proces-verbaal.
- een e-mailbericht, met bijlagen van Novagara B.V., aangehecht aan dit proces-verbaal.

De rechtbank heeft bij brieven van 28 juni en 19 juli 2021 DaNet Service B.V. verzocht om toezending van stukken. Hierop heeft de rechtbank geen reacties mogen ontvangen.

De rechter bepaalt dan ook dat het verzoek zal worden geretourneerd aan de Centrale Autoriteit ter verdere afhandeling.

Waarvan proces-verbaal,

J. de Boer-Ketting
griffier

mr. S.P. Pompe
rechter

VOOR AFSCHRIJF CONFORM
De griffier van de
Rechtbank Amsterdam



Voor griffie/afschrift

20 OKT. 2021

De griffier,

Boer - Ketting, J. de (Rechtbank Amsterdam)

Van: Gijs van Gemert <gijs@serverius.net>
Verzonden: maandag 12 juli 2021 15:14
Aan: Berichtenprocesvoering VERZ (Rechtbank Amsterdam)
Onderwerp: Terugbelverzoek zaak C/13/703785 / HA RK 21/212

Zaak: C/13/703785 / HA RK 21/212

Beste Rechtbank Amsterdam, Beste J. de Boer-Ketting,

Ik heb een brief van u binnengekregen, en heb daar net over gebeld. Maar u was er niet, en ik moest u via dit email adres mailen.

Ik heb de brief gelezen, maar geen van de bedrijven zeggen mij iets. Ook zie ik dat er gesproken wordt over Novogara B.V, waar ik als Serverius geen enkele band mee heb. Sterker nog, na een beetje Googlen zag ik dat dit nogal een duister bestrijf is wat nogal wat op zijn kerfstok heeft, oftewel, bij dat soort bedrijven wil ik graag zo ver mogelijk weg blijven.

Ook zie ik geen andere informatie waaruit blijkt dat Serverius bij deze zaak is betrokken. En er wordt gesteld dat wij webhosting diensten aanbieden, maar ook dat is niet het geval. Serverius is een datacenter bedrijf welke stroom en koeling en carrier IP connectiviteit aan andere levert. Er worden dus geen (video) diensten waarover in de vordering wordt gesproken geleverd aan anderen.

Het lijkt er dus volgens mij op dat Serverius als verkeerde partij is aangeschreven. Mocht dit niet zo zijn, zou u mij dan willen terugbellen op onderstaand telefoonnummer, of terug willen mailen. Alvast bedankt.

With kind regards, Gijs van Gemert

Serverius IT Infrastructure - We make the web faster and more secure

Mobile / Signal chat: +31(0)657887267
Direct at my office: +31(0)887378305
Skype: serverius.bv - Telegram: @GijsVanGemert - Discord: Nepnerd#6668
During unavailability, please contact my PA: +31(0)686866599
More: <https://serverius.net/contact>

DISCLAIMER: This email contains confidential information and is only intended for the addressee(s). Providing and/or sharing this information to third parties without the prior written permission of Serverius B.V. is prohibited. The Serverius B.V. General Terms & Conditions apply to this email.

Boorsma, B. (Rechtbank Amsterdam)

Van: Bap J Karreman <b.karreman@rebacom.net>
Verzonden: dinsdag 7 september 2021 12:40
Aan: Berichtenprocesvoering VERZ (Rechtbank Amsterdam)
CC: r.eeden@novogara.com
Onderwerp: Zaak-/rolnummer: C/13/703785 / HA RK 21/212
Bijlagen: Fwd: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.); Fwd: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.); Fwd: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.); Fwd: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.)

Zaak-/rolnummer: C/13/703785 / HA RK 21/212

Beste hr/mw B Boorsma,

Heden ontving ik abusievelijk een aangetekend stuk d.d. 1 september j.l. aan mij gericht als bestuurder van Novogara BV.

Ik ben geen bestuurder van Novogara BV, ondanks dat gegeven heb ik de juiste informatie voor u ingewonnen omtrent bovenvermelde zaak.

De papieren betreffende deze zaak zijn ook rechtstreeks ontvangen en door medewerkers van Novogara BV afgehandeld met de mensen die dit verzoek ook aan u hebben gericht.

Tijdens telefonisch contact met een van uw collegae is de afspraak gemaakt de email correspondentie via bovengenoemd adres aan u door te sturen.

Bijgesloten vind U de correspondentie omtrent de gevraagde gegevens.

Hopend u hiermee van dienst te zijn .

Met vriendelijke groeten
B J Karreman

Namens Novogara BV.

Boorsma, B. (Rechtbank Amsterdam)

Van: FR van Eeden <r.eeden@rebacom.net>
Verzonden: dinsdag 7 september 2021 12:01
Aan: BJ Karreman
Onderwerp: Fwd: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.)
Bijlagen: login-ips.pdf

----- Forwarded Message -----

Subject: Re: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.)

Date: Sat, 10 Jul 2021 17:33:32 +0200

From: abuse@novogara.com <abuse@novogara.com>

Reply-To: abuse-response@novogara.com

Organization: Novogara LTD

To: Stephen Ferguson <Stephen.Ferguson@hnblc.com>

hello

thank you for your mail.

Our well mean apologies:

please see attached file.

Kind regards,
Abuse department
Novogara BV - Dedicated servers in Amsterdam

On 7/9/21 7:29 PM, Stephen Ferguson wrote:

Novogara BV Abuse Department,

Thank you for your response. You reference an attached file with the IPs used for logging in. The file was not attached. Can you please send that file?

Best Regards,

Stephen M. Ferguson
Hagan Noll & Boyle LLC
Two Memorial City Plaza
820 Gessner, Suite 940
Houston, TX 77024
713.343.0478 T (ext. 102)
713.758.0146 F
www.hnblc.com

From: abuse@novogara.com [mailto:abuse@novogara.com]

Sent: Friday, July 9, 2021 11:14 AM

To: Stephen Ferguson <Stephen.Ferguson@hnblc.com>
Subject: Re: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.)

hello

thank you for your patience, its old information so we had to search.

We have found the following customer details

Name: Aleksej Kostunin
Company:
Address: Kosmonavtov 1a-31
Kozmodemiansk, 425350
Russian Federation
VAT ID:
E-mail: info@offshorehosting.name
Phone: +79276804582
Fax:

Attached file are the ips used for logging in.

Paypal transaction information:

34996175FM7513153

Hope this meets your requirements.

Kind regards,
Abuse department
Novogara BV - Dedicated servers in Amsterdam.

On 7/7/21 11:10 PM, Stephen Ferguson wrote:

Novogara BV Legal,

ï¿½

Thank you for your email of June 4th, stating you are investigating the matter, will co-operate with the court order, and customer details will be provided as soon as possible.ï¿½ Can you please provide an update on the investigation, including when you anticipate providing the requested customer information?ï¿½ Our current deadline for serving the defendants is August 13, and we will have to provide an update to the Court before that date.

ï¿½

Best Regards,

ï¿½

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www.hnblc.comï¿½ï¿½ï¿½

ï¿½

From: abuse@novogara.com [mailto:abuse@novogara.com]
Sent: Friday, June 4, 2021 11:11 AM
To: Stephen Ferguson <Stephen.Ferguson@hnbllc.com>
Subject: Re: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.)

ï¿½

hello

Thank you for your mail, we are investigating the matter.

Of course we respect the law and will co-operate with any court order, customer details will be provided as soon as possible.

ï¿½

Kind regards,
Abuse department
Novogara BV – Dedicated servers in Amsterdam
ï¿½
Kingsfordweg 151
1043 GR Amsterdam
Netherlands
ï¿½
<http://www.novogara.com/>

On 6/4/21 5:13 PM, Stephen Ferguson wrote:

Novogara BV Legal,

ï¿½

I am an attorney representing DISH Network L.L.C. (ï¿½DISHï¿½) in the above referenced copyright infringement lawsuit pending in the United States District Court for the Southern District of Texas (Complaint attached.)ï¿½

ï¿½

Attached is a Court Order issued by the United States District Court for the Southern District of Texas directing Novogara BV (ï¿½Novogaraï¿½) to produce documents concerning IP address 185.216.140.82 (from March 12, 2019 through April 23, 2019) that was used in transmitting DISHï¿½s copyrights and in which we previously sent notices of infringement.ï¿½

ï¿½

DISH requests that Novogara fully cooperate and provide all the documents requested in the attached Court Order.ï¿½ Please confirm that Novogara will gather and provide the requested documents and information as soon as possible.ï¿½

ï¿½

Best Regards,

ï¿½

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www.hnbllc.comï¿½ï¿½ï¿½

ï¿½

Boorsma, B. (Rechtbank Amsterdam)

Van: FR van Eeden <r.eeden@rebacom.net>
Verzonden: dinsdag 7 september 2021 12:00
Aan: BJ Karreman
Onderwerp: Fwd: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.)

-----Forwarded Message -----

Subject: Re: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.)

Date: Fri, 9 Jul 2021 18:14:15 +0200

From: abuse@novogara.com <abuse@novogara.com>

Reply-To: abuse-response@novogara.com

Organization: Novogara LTD

To: Stephen Ferguson <Stephen.Ferguson@hnbllc.com>

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We have found the following customer details

Name: Aleksej Kostunin

Company:

Address: Kosmonavtov 1a-31
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Boorsma, B. (Rechtbank Amsterdam)

Van: FR van Eeden <r.eeden@rebacom.net>
Verzonden: dinsdag 7 september 2021 12:00
Aan: BJ Karreman
Onderwerp: Fwd: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.)
Bijlagen: Dkt. 9 - Issued Request for Judicial Assistance, Dutch & English - Novog...pdf; Dkt. 15 - Extension Order on Deadline to Serve.pdf

----- Forwarded Message -----

Subject: RE: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.)

Date: Wed, 7 Jul 2021 21:10:51 +0000

From: Stephen Ferguson <Stephen.Ferguson@hnbllc.com>

To: abuse-response@novogara.com <abuse-response@novogara.com>

Novogara BV Legal,

Thank you for your email of June 4th, stating you are investigating the matter, will co-operate with the court order, and customer details will be provided as soon as possible. Can you please provide an update on the investigation, including when you anticipate providing the requested customer information? Our current deadline for serving the defendants is August 13, and we will have to provide an update to the Court before that date.

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ï¿½

Boorsma, B. (Rechtbank Amsterdam)

Van: FR van Eeden <r.eeden@rebacom.net>
Verzonden: dinsdag 7 september 2021 11:59
Aan: BJ Karreman
Onderwerp: Fwd: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.)

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Subject: RE: DISH Network L.L.C. v. ChitramTV et al., No. 4:21-cv-859 (S.D. Tex.)
Date: Fri, 9 Jul 2021 17:29:31 +0000
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Fax:

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Kingsfordweg 151

1043 GR Amsterdam

Netherlands

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<http://www.novogara.com/>

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✉

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✉

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✉

Stephen M. Ferguson

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✉